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Customer No. 32,127
Attorney Docket No. 03-1013REMARKS

Applicants submit this Response to the arguments made by the Examiner in the final Office Action mailed October 5, 2005 and the Advisory Action mailed January 3, 2006.

In the final Office Action,¹ claim 63 was objected to because the term "audio stream" lacked antecedent basis; claims 1-8, 12, 13, 23-32, 36-48, 52, 53, 63-72, 76-83, 85, and 86 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0169330 to Ben-Shachar et al. ("Ben-Shachar") in view of, U.S. Patent Application Publication No. 2003/0014488 to Dalal et al. ("Dalal"); claims 16-22 and 56-62 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ben-Shachar in view of U.S. Patent No. 5,440,624 to Schoof II ("Schoof"); claim 84 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Ben-Shachar and Schoof in view of Dalal; claims 9-11, 33-35, 49-51, and 73-75 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Ben-Shachar and Dalal in view of Schoof; and claims 14, 15, 54, and 55 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Ben-Shachar and Dalal in view of, U.S. Patent Application Publication No. 2004/0249884 to Caspi et al. ("Caspi").

¹ As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to assertions by the Examiner in the Office Action/Advisory Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such in the future.

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In this Reply, Applicants have amended claims 1, 16, 23, 24, 31, 41, 56, 63, 64, 71 and 81-86. Claims 1-86 are pending.²

A. Claims 1-15, 23-55, and 63-86

Applicants respectfully traverse the rejection of claims 1-8, 12, 13, 23-32, 36-48, 52, 53, 63-72, 76-83, 85, and 86 under 35 U.S.C. § 103(a) for at least the reason that Ben-Shachar and Dalal, taken alone or in combination, do not teach or suggest each and every element recited in the claims.

To establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a), each of three requirements must be met. First, all the claim limitations must be taught or suggested by the prior art. See M.P.E.P. § 2143.03 (8th ed., rev. 2, May 2004). Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references in a manner resulting in the claimed invention. Third, a reasonable expectation of success must exist. Moreover, each of these requirements must "be found in the prior art, not in applicant's disclosure." M.P.E.P. § 2143 (8th ed., rev. 2, May 2004).

For example, claim 1 recites, among other things, "selectively deleting the stored audio stream data, while the conference call is ongoing, based on a determination that a user has exited the conference call."

² Applicants submitted a response after final mailed December 5, 2005, in which certain claim amendments were proposed. In the Advisory Action, the Examiner indicated that the proposed amendments would not be entered. Applicants have resubmitted such amendments in this Response.

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The Examiner properly observed that Ben-Shachar fails to teach this element of claim 1 (see final Office Action, page 3) and relied on Dalal as allegedly disclosing the claim elements deficient in Ben-Shachar (see id. (citing Dalal, ¶ 0041)). According to the Examiner, "Dalal selectively deletes a conference based on a determination that the last participant has exited the conference call, while the conference call is ongoing." See final Office Action, page 25. In the Advisory Action, the Examiner clarified that "Dalal does not teach the audio stream is deleted while the conference is ongoing." (Advisory Action, p. 2.)

In light of the Examiner's remarks and Applicants reading of Ben-Shachar and Dalal, Applicants respectfully assert that claim 1 is not taught or suggested by either of these references, alone or in combination. Claim 1 requires selective deletion of a stored audio stream, while the conference call is ongoing, based on a determination that one of the plurality of users has exited the conference call. As noted by Applicants previously, a conference call cannot be "ongoing," as claimed, if all the participants have left. Thus, Dalal fails to remedy the deficiency of Ben-Shachar and Applicants respectfully request withdrawal of the rejection of claim 1 under 35 U.S.C. § 103(a).

Independent claims 23, 24, 31, 41, 63, 64, 71, 81-83, 85, and 86, although of different scope, each contain elements corresponding to the elements of claim 1 discussed above. Therefore, these claims are allowable for at least reasons similar to those discussed above with respect to claim 1. In addition, claims 2-8, 12, 13, 25-30, 32, 36-40, 42-48, 52, 53, 65-70, 72, 76-80, 87, and 88 depend from and add additional features to each of independent claims 1, 23, 24, 31, 41, 63, 64, and 71. Accordingly, these claims are allowable for at least the reasons set forth above.

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Applicants respectfully traverse the rejection of claims 9-11, 14, 15, 33-35, 49-51, 54, 55, 73-75, and 84 under 35 U.S.C. § 103(a) for at least the reason that Ben-Shachar, Dalal, Schoof and Caspi, taken alone or in combination, do not teach or suggest each and every element recited in the claims.

Independent claim 84, although of different scope, contains elements corresponding to the elements of claim 1 discussed above, which are deficient in Ben-Shachar and Dalal. In addition, claims 9-11, 14, 15, 33-35, 49-51, 54, 55, and 73-75 depend from and add additional features to at least one of independent claims 1, 31, 41, and 71, which Applicants submit are allowable for at least the reasons discussed above. The Examiner relied on Schoof in rejecting claims 9-11, 33-35, 49-51, 73-75, and 84 and relied on Caspi in rejecting claims 14, 15, 54, and 55. However, neither Schoof nor Caspi cures the deficiencies of Ben-Shachar and Dalal identified above.

Schoof discloses a method and apparatus for conducting and moderating a networked electronic conference (see Abstract) and is relied on for its disclosure of playback features. See final Office Action, pages 21 (citing Schoof, col. 4). Caspi discloses a system including a server adapted to manage a multimedia conference (see Abstract) and is relied on for its disclosure of recording and playing features. See final Office Action, page 24 (citing Caspi, ¶ 0009). However, neither Schoof nor Caspi disclose the claim element: "selectively deleting the stored audio stream data, while the conference call is ongoing, based on a determination that a user has exited the conference call," as recited in claim 1 and similarly recited in claims 31, 41, 71, and 84. Accordingly, Applicants respectfully request withdrawal of the rejections of claims 9-11, 14, 15, 33-35, 49-51, 54, 55, 73-75, and 84 under 35 U.S.C. § 103(a).

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Applicants respectfully traverse the rejection of claims 16-22 and 56-62 under 35 U.S.C. § 103(a) for at least the reason that Ben-Shachar and Schoof, taken alone or in combination, do not teach or suggest each and every element recited in the claims. For example, claim 16 recites, among other things, "creating a text transcription of at least a portion of the stored audio stream data; wherein the text transcription identifies at least one of the plurality of users based on a communication connection established with the at least one user."

Applicants renew their remarks from their response to the final Office Action submitted December 5, 2005, that it is improper to combine Ben-Shachar and Schoof. Notwithstanding, Applicants further submit that neither Ben-Shachar nor Schoof, taken individually or in combination teach or suggest each and every element recited in claim 16. Applicants therefore respectfully request withdrawal of the rejection of claim 16 under 35 U.S.C. § 103(a).

Independent claim 56, although of different scope, contains elements corresponding to the elements of claim 16 discussed above. Therefore, claim 56 is patentable over Ben-Shachar and/or Schoof for at least reasons similar to those discussed above with respect to claim 16. In addition, claims 17-22 and 57-62 depend from and add additional features to each of independent claims 16 and 56. Accordingly, these claims are allowable for at least the reasons set forth above.

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Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

If there is any fee due in connection with the filing of this Reply, please charge the fee to our Deposit Account No. 07-2347.

Respectfully submitted,

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